

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILL MOFFETT and CURTIS BOWERS,
on behalf of themselves and all other persons
similarly situated, known and unknown

Plaintiffs,

v.

HC AURORA, LLC and PENN NATIONAL
GAMING, INC.

Defendants.

Case No. 19-CV-8040

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendants, HC Aurora, LLC and Penn National Gaming, Inc., through their undersigned attorneys, respectfully request a thirty (30) day extension of time in which to answer or otherwise plead in response to Plaintiffs Will Moffett and Curtis Bowers' ("Plaintiffs") Complaint. In support thereof, Defendants state as follows:

1. On November 12, 2019, Plaintiffs filed a Complaint on behalf of themselves and all other similarly situated individuals in the Circuit Court of Kane County, Illinois, asserting a class action claim for alleged violations of the Illinois Biometric Information Privacy Act (740 ILCS 14/1 *et seq.*) ("BIPA"). Defendants recently retained the undersigned in this litigation.

2. On December 9, 2019, Defendants removed the case to the United States District Court for the Northern District of Illinois. Dkt. 1. By rule, the deadline for Defendants to answer or otherwise plead is December 16, 2019. Fed. R. Civ. P. 81(6)(c)(2)(C).

3. Defendants require additional time to assess and develop factual and legal arguments material to their defense of this action before responding to the asserted claims. To

prepare such a pleading, Defendants seek an extension of time of thirty (30) days to January 15, 2020, to answer or otherwise plead. Such an extension will also be helpful for early discussions between the parties as to a possible resolution.

4. Moreover, on December 13, 2019, Defendants filed a motion to have this case reassigned to the Honorable Judge Kennelly of the Northern District of Illinois because it is related to an earlier-filed case currently pending in front of Judge Kennelly. *See Adams v. HC Aurora, LLC*, No. 19-CV-7539, Dkt. 14 (N.D. Ill., The Hon. J. Kennelly) (“Adams Case”). The Motion for Reassignment is set for presentment in front of Judge Kennelly on December 19, 2019. The requested extension would permit the reassignment issue to be decided by Judge Kennelly before Defendants’ responsive pleading is due, and would enable Defendants to coordinate the filing of the responsive pleadings in this case and the Adams Case, should the motion for reassignment be granted.

5. This is Defendants’ first motion for extension of time.

6. Plaintiffs do not oppose Defendants’ filing of this motion and have no objection to the relief requested.

7. Plaintiffs will not suffer any unfair prejudice should the Court grant the requested relief. This unopposed motion is not filed for purposes of delay, and no prejudice will result to any party.

WHEREFORE, Defendants respectfully request this Court enter an order granting their motion for an extension of time of thirty (30) days to January 15, 2020, to answer or otherwise plead, and to grant such other relief deemed just and reasonable.

Dated: December 16, 2019

Respectfully submitted,

HC AURORA LLC and PENN NATIONAL
GAMING, INC.

/s/ Daniel R. Saeedi

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